

ZB# 06-38

Bruce Herman

55-2-12

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 7/10/06

06-38 Bruce Hermann (Area)
5 MacLean Dr. (55-2-12)

-----X
In the Matter of the Application of

BRUCE HERMANN

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-38
-----X

WHEREAS, Bruce Hermann, owner(s) of 5 MacLean Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for proposed 12 ft. X 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive in an R-1 Zone (55-2-12)

WHEREAS, a public hearing was held on July 10, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-1 zone.
 - (b) In constructing the porch, the applicant will not remove any trees or substantial vegetation.

- (c) In building the porch, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (d) In building the porch, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) With the porch, the house will be similar in size and nature to other houses in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

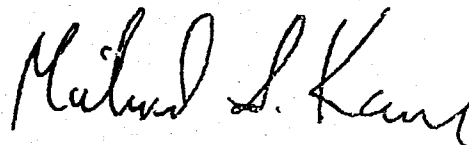
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for proposed 12 ft. X 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive in an R-1 Zone (55-2-12) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 10, 2006

A handwritten signature in cursive script, reading "Michael S. Kung". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.10 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-38

NAME & ADDRESS:

**Bruce Hermann
5 MacLean Dr.
Rock Tavern, NY 12575**

THANK YOU,

MYRA

L.R.10-24-06



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #06-38 TYPE: AREA TELEPHONE: 496-4146

APPLICANT:

Bruce Hermann
5 MacLean Dr.
Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # <u>3881</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 3882



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 28.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date: 06-30-06 \$ 11.90

TOTAL: \$ 60.90 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 130.90

AMOUNT DUE: \$ _____

REFUND DUE: \$ 169.10

Cc:

L.R. 10/24/06

PUBLIC HEARINGS:

BRUCE HERMAN (06-38)

MS. GANN: Request for proposed 12 ft. x 16 ft. shed to be installed between the house and street on a corner lot at 5 MacLean Drive.

Mr. Bruce Herman appeared before the board for this proposal.

MS. GANN: Good evening, how are you?

MR. HERMAN: Good.

MS. GANN: Tell us why you're here.

MR. HERMAN: I'm here to get a variance to put the shed on the side of my house, it's difficult for me to walk up and down hills, I just had ankle surgery, so the convenience is really what I'm looking for. Everything slopes in the back of the house everything slopes downhill and everything is completely covered by trees except for the view from the driveway you could see the front and they're all pine trees so it's a year round camouflage.

MS. GANN: This is not existing, you're getting this installed, is that right?

MR. HERMAN: Correct.

MS. GANN: Will you be taking any substantial vegetation down to put up the shed?

MR. HERMAN: Not at all.

MS. GANN: Creating water hazards in putting the shed in that location?

July 10, 2006

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MR. HERMAN: None.

MS. GANN: How close to the house will the shed be?

MR. HERMAN: Thirty feet.

MS. GANN: And Mike the reason why he's here this evening?

MR. BABCOCK: He's closer to the road than the principal building and basically because there's two reasons it's a corner lot is really the reason and he's closer to MacLean Drive on both corner lots than what would be allowed.

MR. LUNDSTROM: Would it be difficult to move the shed further back from the MacLean Road on either side?

MR. HERMAN: Yes, it would, there's a foundation that's there, the shed isn't there yet, the foundation is there and I finally got to the point where I could afford to put the shed in and it's going to put it, my property slopes about 15 feet till I get to the rear of the property, so I'd be back into a situation where I'd be kind of hobbling along just to get to it, everything is pretty level right from my driveway to where the shed, the proposed shed would be in front of the house so I can get to the tractor.

MR. BABCOCK: The further back it drops.

MR. LUNDSTROM: This is MacLean Drive moving it further away from one of them and possibly just a little bit back is that something that cannot be done?

MR. HERMAN: Not without taking down a whole tree line or something like that. Right now I've got 30 feet of trees around everything so that's what's hiding it but I'd have to take down a tree line.

July 10, 2006

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MR. KRIEGER: So relocating you have to take down trees now you don't?

MR. HERMAN: Right, I don't have to do anything.

MR. KRIEGER: Does it interfere with the view of motorists on either roadway?

MR. HERMAN: No, not at all.

MR. TORPEY: Got the tree line first.

MR. KRIEGER: Just putting it in the record.

MS. GANN: Will you be installing electric within the shed?

MR. HERMAN: No.

MS. GANN: What's this platform made of, is it wood?

MR. HERMAN: Treated lumber.

MR. KRIEGER: Will the shed be similar in size and appearance to other sheds in the neighborhood?

MR. HERMAN: Yes.

MS. GANN: Is there anyone here for this public hearing, now would be the time for you to come on up? No? Okay. And I'd like to close the public hearing for Bruce Herman and ask Myra how many mailings we had.

MR. KRIEGER: No, okay, means there's nobody here, right?

MS. GANN: Right.

MS. MASON: On June 28, I mailed out 17 envelopes and had no response.

July 10, 2006

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MS. GANN: I'll accept a motion.

MR. TORPEY: I'll make a motion for Bruce Herman request for proposed 12 foot by 16 foot shed to be installed between house and street on a corner lot at 5 MacLean Drive in an R-1 zone be approved.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

PRELIMINARY MEETINGS:

BRUCE HERMAN (06-38)

MR. KANE: Request for proposed 12 ft. x 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive.

Mr. Bruce Herman appeared before the board for this proposal.

MR. KANE: What the Town of New Windsor does is we hold a preliminary meeting and a public meeting. The preliminary meeting gives us a chance to understand what you want to do and make sure you have all the right stuff so that we can make a decision in a formal public hearing. So the same thing that you're going to do here you'll do when we do it for real. So tell us what you want to do.

MR. HERMAN: Well, it's directly in line with the front of my house as the picture showed and what I'd like to do is I'd like to put the shed over here on this side and everything is completely covered with trees except for the view from my driveway as I gave pictures, as the pictures would show. And the reason I'm not putting it in the back of the property is it goes downhill maybe 15 feet from the front of the property and I just had my ankle reconstructed so I'm still doing bone stimulation and stuff, I can't really do hills very well.

MR. KANE: I understand that completely, I have a replacement knee. What concerns me is you're on the bend, this is 40 feet off of that?

MR. HERMAN: Correct.

MR. KANE: And 25 and 30?

June 26, 2006

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MR. HERMAN: From that corner, yes.

MR. KANE: From the street there's no, did you bring any pictures of the view from the street?

MR. HERMAN: Yes, everything is labeled as to what the views are also.

MS. GANN: How close will the shed be to the home?

MR. HERMAN: It's 35 feet from the edge to one edge of the house to like the corner of the shed, first corner.

MR. KANE: So there's really no seeing it from the road?

MR. HERMAN: No.

MR. KANE: And it's not going to inhibit anybody's view going around that curve?

MR. HERMAN: No, the pine trees.

MR. KANE: Some questions we have to ask you cause it gets typed in. We have the pictures we need, all the questions I have. Anybody else have any further questions? Any easements in that particular area?

MR. HERMAN: None that I'm aware of. Further down at the end of the view in that picture, I don't know down here there used to be a horse thing.

MR. KANE: Nothing with your property?

MR. HERMAN: No.

MR. KANE: Cutting down trees, substantial vegetation in the placement of the shed?

MR. HERMAN: None at all.

June 26, 2006

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MR. KANE: Creating water hazards or runoffs?

MR. HERMAN: No.

MR. KANE: Shed itself will be similar in size and nature as other sheds that are in your neighborhood?

MR. HERMAN: Correct.

MR. KANE: Any further questions? I will accept a motion.

MS. GANN: I'll make a motion we set up Bruce Herman for a public hearing for his request for proposed 12 foot by 16 foot shed to be installed between the house and the, I'm sorry, between the house and street on a corner lot at 5 MacLean Drive in an R-1 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

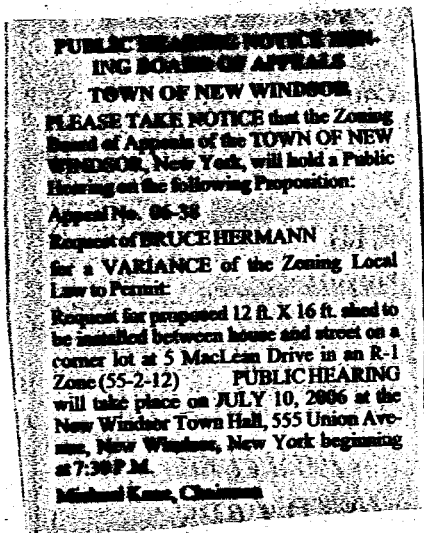
Date	Invoice #
7/10/2006	7952

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
45476	Due on receipt	

Issue Date	Description	PCS/Units	Amount
6/30/2006	LEGAL ADS: PUBLIC HEARING NOTICE HERMANN 1 AFFIDAVIT	7.90 4.00	7.90 4.00
RECEIVED JUL 27 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE			
		Total \$11.90	

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218



State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X
in said newspaper, commencing on
the 30 day of June A.D., 2006
and ending on the 30 day of June
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 21 day of July, 2006 _____

Cheryl L. Canfield

Notary Public of the State of New York
County of Orange.

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319
Commission Expires April 22, 2010

My commission expires _____

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

BRUCE HERMANN

#06-38

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 28TH day of JUNE, 2006, I compared the 17 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of July, 2006

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Publish 29th

45476

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

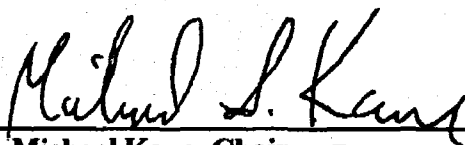
Appeal No. 06-38

Request of BRUCE HERMANN

for a VARIANCE of the Zoning Local Law to Permit:

Request for proposed 12 ft. X 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive in an R-1 Zone (55-2-12)

**PUBLIC HEARING will take place on JULY 10, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

J. Todd Wiley, IAO
Assessor's Office

June 23, 2006

Bruce Herman
5 MacLean Dr.
Rock Tavern, NY 12575

Re: 55-2-12

ZBA# 06-38(17)

Dear Mr. Herman:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the amount of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/LK
Attachments

CC: Myra Mason, Zoning Board

55-1-65.4

Thomas & Heidi Gamble
373 Beattie Rd.
Rock Tavern, NY 12575

55-2-7

Thomas Joseph & Heather Durney
14 Maclean Dr.
Rock Tavern, NY 12575

55-1-66

William & Eileen Gamble
377 Beattie Rd.
Rock Tavern, NY 12575

55-2-8

Robert & Darlene Prosser
16 Maclean Dr.
Rock Tavern, NY 12575

55-1-97

Edwin & Marie Guzman
66 Lincolndale Acres.
Washingtonville, NY 10992

55-2-9

John O' Donoghue & Carol Mcgrath
11 Maclean Dr.
Rock Tavern, NY 12575

55-1-98

Joseph Averso & Lisa Tamburo
80 Lincolndale Acres
Washingtonville, NY 10992

55-2-10

John & Jean Dunn
9 Maclean Dr.
Rock Tavern, NY 12575

55-2-1

Ira & Marie Kurtz
2 Maclean Dr.
Rock Tavern, NY 12575

55-2-11

Jorge & Ileana Mendoza
7 Maclean Dr.
Rock Tavern, NY 12575

55-2-2

Joseph & Susan Filoreto
4 Maclean Dr.
Rock Tavern, NY 12575

55-1-13.11

Robert Rodriquez
341 Beattie Rd.
Rock Tavern, NY 12575

55-2-3

Diane Jacob
6 Maclean Dr.
Rock Tavern, NY 12575

55-2-13.12

Henry & Elizabeth VanLeeuwen
345 Beattie Rd.
Rock Tavern, NY 12575

55-2-4

John & Jeanette Shupe
8 Maclean Dr.
Rock Tavern, NY 12575

55-2-5

Christopher & Lorraine Pasquarelli
10 Maclean Dr.
Rock Tavern, NY 12575

55-2-6

Rodney Krinke
12 Maclean Dr.
Rock Tavern, NY 12575

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#510-2006

06/22/2006

Hermann, Bruce J. *ZBA #06-38*

Received \$ 50.00 for Zoning Board Fees, on 06/22/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF:

June 26, 2006

PROJECT: Bruce Hermosa

ZBA # 06-38

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

June 26

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

NEGATIVE DEC: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) G S) I

VOTE: A 4 N 0

GANN
LUNDSTROM
~~LOEY~~
TORPEY
KANE

A
A

A
A

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) S) VOTE: A N .

**GANN
LUNDSTROM
LOCEY
TORPEY
KANE**

CARRIED: Y_____N_____.

[illegible]

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-20-06

FOR: ESCROW 06-38

FROM:

Bruce Hermann
5 MacLean Dr.
Rock Tavern, NY 12575

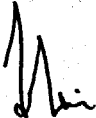
CHECK FROM:
SAME

CHECK NUMBER: 3882

TELEPHONE: 496-4146

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

6/22/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 20, 2006

Bruce Hermann
5 MacLean Dr.
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #06-38

Dear Mr. Hermann:

This letter is to inform you that you have been placed on the June 26th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

5 MacLean Drive
Rock Tavern, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 06-20-06 mm

DATE: 06-20-06

PROJECT NUMBER: ZBA# 06-38 P.B. # _____

APPLICANT NAME: BRUCE HERMANN

PERSON TO NOTIFY TO PICK UP LIST:

Bruce Hermann
5 MacLean Dr.
Rock Tavern, NY 12575

TELEPHONE: 496-4146

TAX MAP NUMBER: SEC. 55 BLOCK 2 LOT 12
 SEC. _____ BLOCK _____ LOT _____
 SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 5 MAC LEAN DRIVE
ROCK TAVERN, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3883

TOTAL CHARGES: _____

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 15, 2006

**APPLICANT: Bruce Hermann
5 Maclean Drive
Rock Tavern, NY 12575**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/15/06

FOR : Proposed 12x16ft. shed

LOCATED AT: 5 Maclean Drive

ZONE: R-1 Sec/Blk/ Lot: 55-2-12

DESCRIPTION OF EXISTING SITE: One family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed 12x16ft. shed will be installed between house and street. This is a corner lot.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Bulk Tables 300-11-A-3

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

5/23 Sent Applicant.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
JUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAY 15 2006

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2006-479

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BRUCE HERMANN

Address 5 MACLEAN DR Phone # (845) 496-4146

Mailing Address ROCK TAVERN N.Y. 12575 Fax # _____

Name of Architect FOOTE'S AMISH SHEDS

Address CLOVERKNOLL PLAZA RT 207 CAMPBELL HALL Phone # 845-615-1232

Name of Contractor FOOTE'S AMISH SHEDS

Address CLOVERKNOLL PLAZA RT 207 CAMPBELL HALL Phone (845) 615-232

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of MAGLEANDR.
(N, S, E or W)
and 250' feet from the intersection of BEATTIERD.
2. Zone or use district in which premises are situated NEW WINDSOR Is property a flood zone? Y N ✓
3. Tax Map Description: Section 55 Block 2 Lot 12
SWIS: 334800
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy HOME b. Intended use and occupancy STORAGE
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front 12' Rear 12' Depth 16' Height 8' No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$2,000 Fee \$50 - ch #3438

5.15.06

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Bruce J. Hermann
(Signature of Applicant)

5 MACLEAN DR. ROCKTAVERN N.Y. 12575
(Address of Applicant)

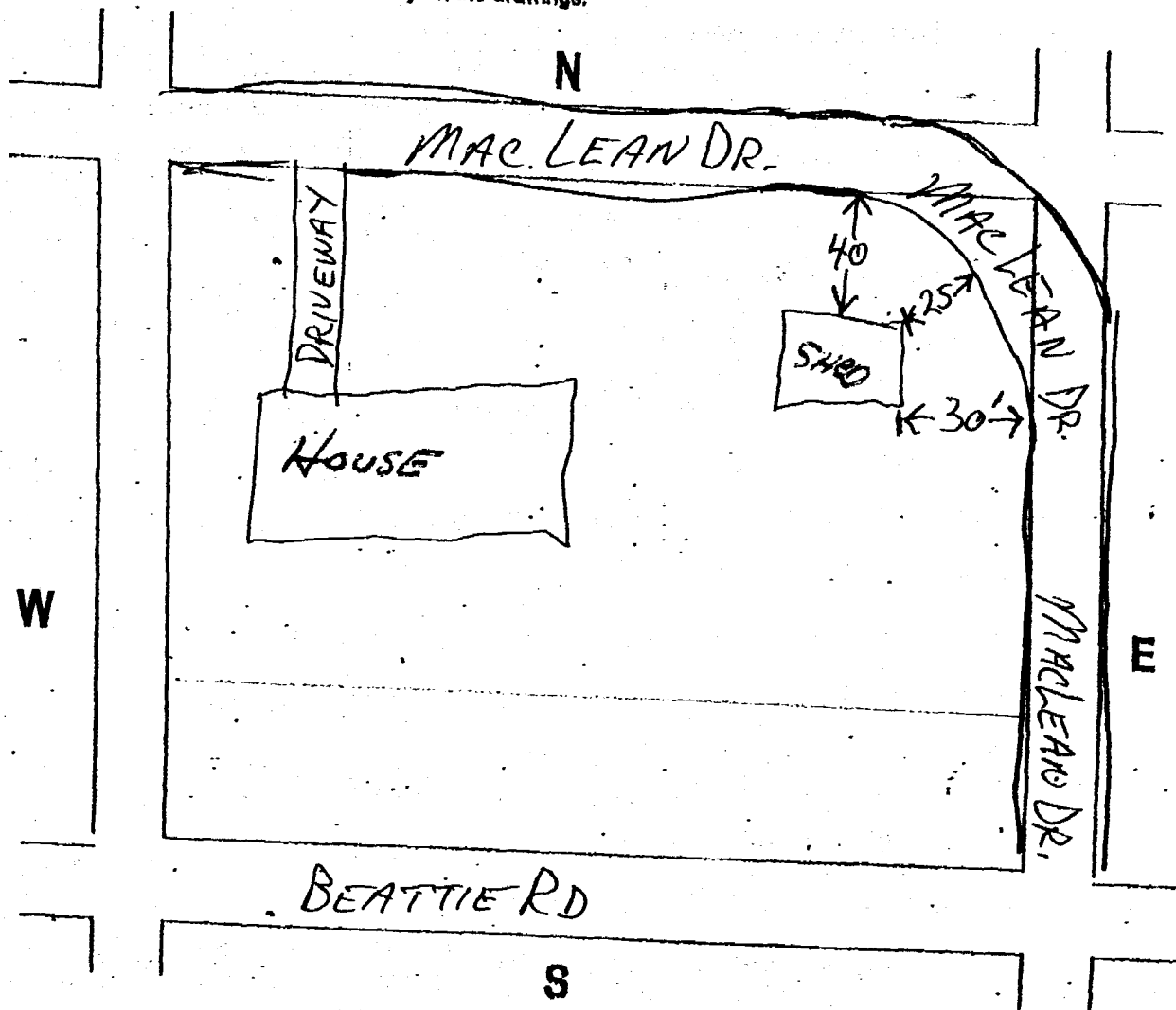
Bruce J. Hermann
(Owner's Signature)

5 MACLEAN DR. ROCKTAVERN N.Y. 12575
(Owner's Address)

PLOT PLAN

NOTE:

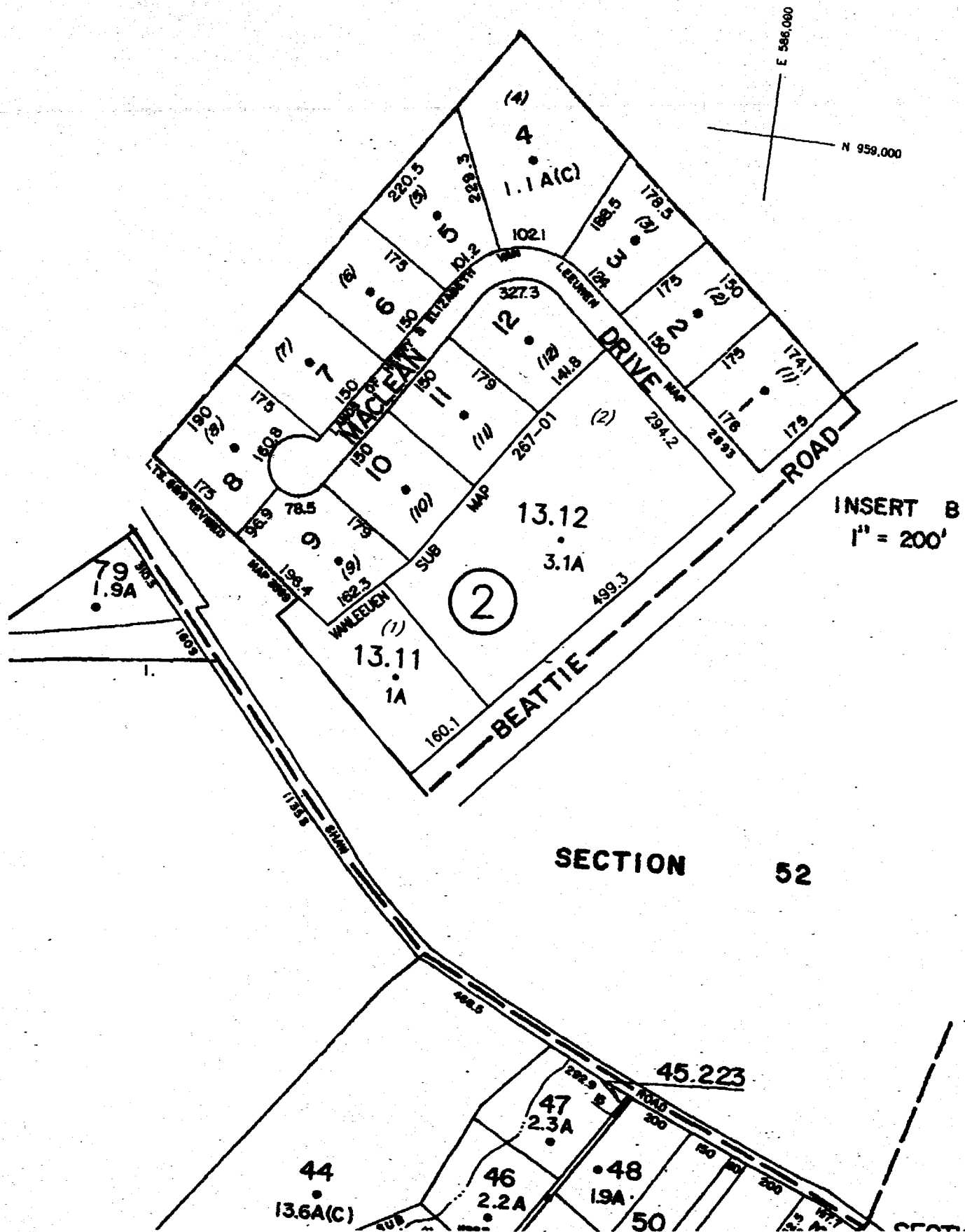
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



COPY

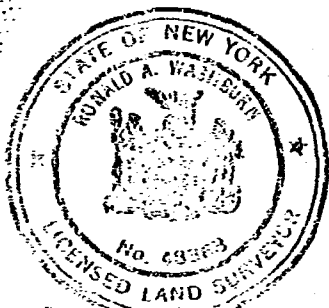
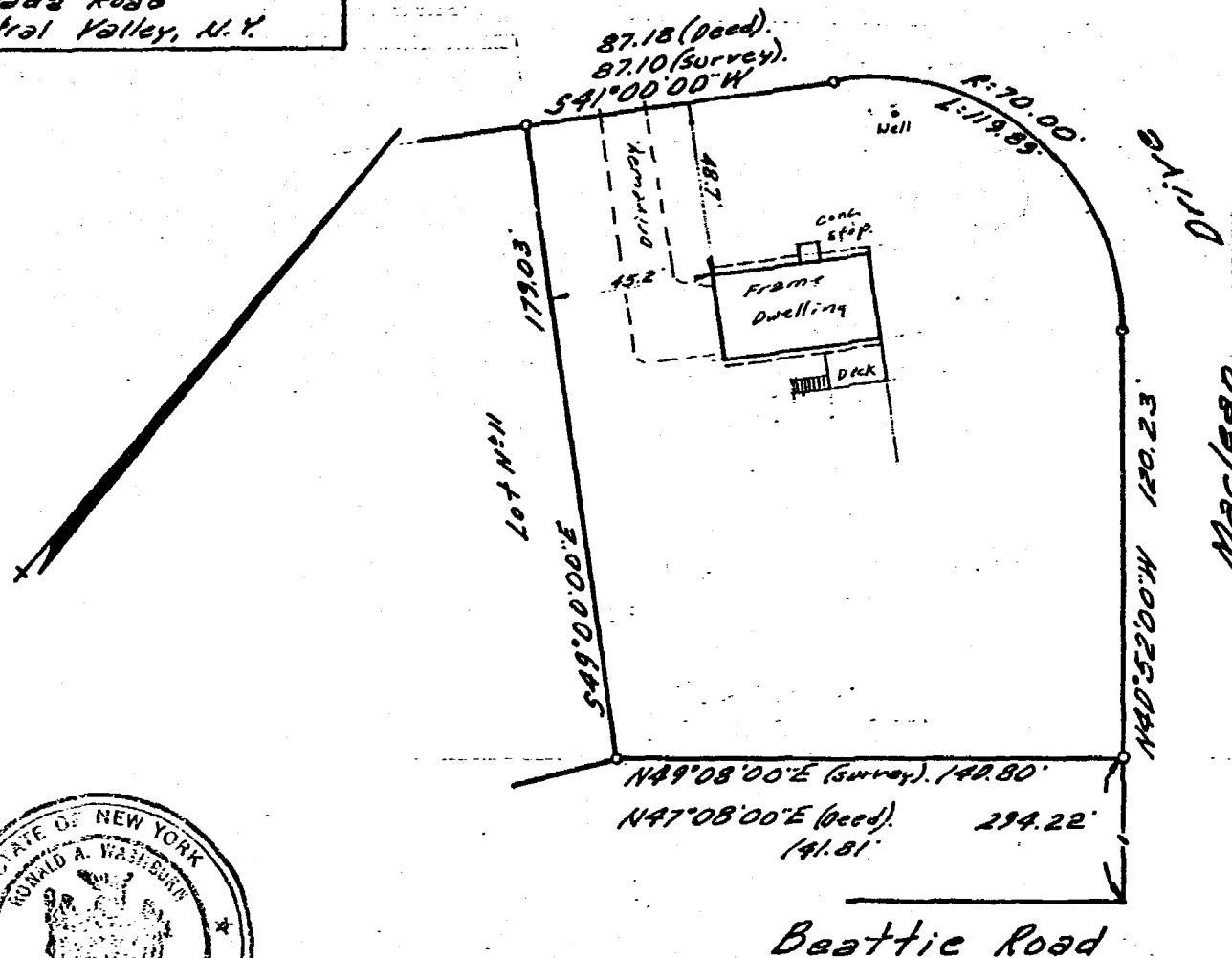
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

COPY



Washburn Associates
Estriada Road
Central Valley, N.Y.

Map Reference:
"Henry & Elizabeth Ann
Van Leeuwen"
Filed Nov. 8, 1972
Map N° 2893



Bruce J. Hermann
Laura Hermann
Lawyers Title Insurance Co.
Holden Savings Bank
Certified true and correct
as shown hereon.

Ronald A. Washburn
Lic. N° 48368

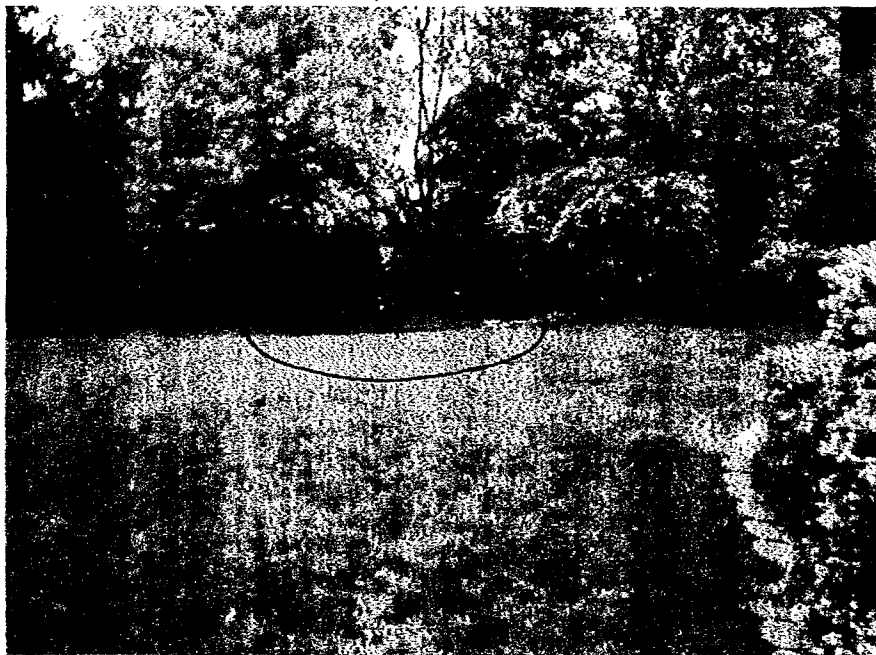
Survey Map For

Bruce J. Hermann
Laura Hermann

SCALE: 1"=50'	APPROVED BY:	DRAWN BY
DATE: July 25, 1979		REVISED
Town of New Windsor Orange Co., N.Y.		
Foundation Location Aug. 29, 1979 Final Location Oct. 29, 1979		DRAWING NUMBER 1806

B. HERMANN

S MACLEAN DR.



FRONT OF HOUSE ON RIGHT LOOKING
AT PLATFORM



SIDE VIEW OF PLATFORM



FRONT STREET LOOKING AT PROPOSED
SHED SITE (SIDE OF HOUSE VISIBLE)



SIDE VIEW FROM STREET TOWARDS
HOUSE

B. HERMANN

S MACLEANDR.



VIEW LOOKING FROM DRIVEWAY PAST MY
HOUSE TO PLATFORM



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance ☐ Area Variance ☐
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 496-4146
BRUCE HERMANN Fax Number: ()

(Name)
5 MACLEAN DR. ROCKTAVERN N.Y. 12575
(Address)

II. **Applicant:** Phone Number: (845) 496-4146
BRUCE HERMANN Fax Number: ()

(Name)
5 MACLEAN DR. ROCKTAVERN N.Y. 12575
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()

(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()

(Name)

(Address)

V. **Property Information:**

Zone: R-1 Property Address in Question: 5 MACLEAN DR. ROCKTAVERN N.Y.
Lot Size: _____ Tax Map Number: Section 55 Block 2 Lot 12

- a. Is pending sale or lease subject to ZBA approval of this Application? NO
b. When was property purchased by present owner? 1978
c. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I'm handicapped on my right ankle. I have a 3" pin holding it together. It's very painful to walk downhill around my house. The proposed location of the shed is almost level with my front lawn. The street side looking into my property from the driveway all around the corner to the rear of my property has pine trees along the curb and at least 25 feet of brush and trees in between location of proposed shed.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- _____
- _____

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

26th day of May 2006

Bruce Kernan

Owner's Signature (Notarized)

DL# 866-888-600

exp. 02-17-12

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Owner's Name (Please Print)

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____ Date: _____	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> 	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>
<p>_____ Date</p>	

6/12 OR 6/26



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE FOR EACH LABEL WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.